

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JANE DOE and JOHN DOE, individually and as parents)	
and next friends of DOE CHILD and DOE CHILD,)	
Plaintiffs,)	
)	
VS.)	C.A. NO. <u>1:20-cv-10139</u>
)	
DEBORAH HOLLY, DEBORAH BRESNICK, individually)	
and in her capacity as assistant principal of the Green Meadow School;)	
DONNA DANKNER, individually and in her official capacity as principal)	
of the Green Meadow School; ROBERT J. GERARDI, individually and in)	
his official capacity as Superintendent of the Maynard Public Schools;)	
and TOWN OF MAYNARD,)	
Defendant.)	

NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT
28 U.S.C. § 1441(a)

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS:

Petitioners, Town of Maynard, Maynard Public Schools, Robert J. Gerardi, Donna Dankner, Deborah Bresnick, and Deborah Holly, respectfully petition this Court, pursuant to 28 U.S.C. § 1441(a), for removal of the above-entitled action to the United States District Court for the District of Massachusetts, Civil Section, from the Superior Court of the Commonwealth of Massachusetts in and for Middlesex County, and for their Notice of Removal state as follows:

1. The petitioners are named as a defendants by the plaintiffs, Jane Doe and John Doe, individually and as parents and next friends of Doe Child and Doe Child, in a civil action filed in the Superior Court of the Commonwealth of Massachusetts in and for Middlesex County, entitled Jane Doe, et al., ppa Doe Child, et al. vs. Town of Maynard, et al. Civil Action No. 1981CV02926. On January 3, 2020, the petitioner Maynard Public School was served with a Summons and copy of the plaintiffs' Complaint. A copy of the Summons and Complaint served

upon the petitioner Maynard Public Schools, though its former Superintendent is attached hereto as Exhibits “A” and “B,” respectively.¹ The petitioners have not yet answered or otherwise responded to said Summons and Complaint, nor has an appearance been filed in Middlesex Superior Court on their behalf.

2. This is a suit of a wholly civil nature brought in a Massachusetts state court. The action is pending in Middlesex County, Massachusetts, and, accordingly, under 29 U.S.C. § 101 and § 1441(a), the United States District Court for the District of Massachusetts is the proper forum for removal.

3. In Count I of their action, the plaintiffs allege that the petitioners violated their Federal civil rights under 42 U.S.C. § 1983 and Title VI of the Civil Rights Act at 42 U.S.C. § 2000d. See Pls. Compl. Ct. I.

4. Because this civil action arises under the Constitution and laws of the United States, the United States District Court has original jurisdiction under 28 U.S.C. § 1331.

5. The petitioners are filing this Notice of Removal within thirty (30) days of service of the Summons and Complaint, within thirty days of the date this action became removable, and within the time for filing this petition. See 28 U.S.C. § 1446.

6. The petitioners will file a certified copy of Notice of Removal with the Clerk of the Superior Court of Massachusetts, County of Middlesex.

7. Pursuant to Local Rule 81.1(a), the petitioner shall request of the Clerk of the Superior Court of Massachusetts, County of Middlesex, certified or attested copies of all records and proceedings in the state court and certified or attested copies of all docket entries therein,

¹ The Defendants dispute the validity of the service of the Complaint upon the individually named defendants Deborah Holly, Deborah Bresnick, Donna Dankner and Robert Gerardi.

and shall file the same with this Court within thirty (30) days after the filing of this Notice of Removal.

WHEREFORE, petitioners, Town of Maynard, Maynard Public Schools, Robert J. Gerardi, Donna Dankner, Deborah Bresnick, and Deborah Holly, pray that the above-entitled action now pending in the Superior Court of the Commonwealth of Massachusetts in and for Middlesex County be removed from that Court to this United States District Court.

The Defendants,
DEBORAH HOLLY,
DEBORAH BRESNICK, individually and in her capacity as
assistant principal of the Green Meadow School;
DONNA DANKNER, individually and in her official capacity as
principal of the Green Meadow School;
ROBERT J. GERARDI, individually and in his official capacity as
Superintendent of the Maynard Public Schools; and
TOWN OF MAYNARD,
By their Attorneys,

PIERCE DAVIS & PERRITANO LLP

/s/ John J. Cloherty III

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing, filed through the Electronic Case Filing System, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that a paper copy shall be served upon those indicated as non-registered participants on January 23, 2020.

/s/ John J. Cloherty III

John J. Cloherty III, Esq.